

Appl. No. 10/737,430  
Atty. Docket No. 9313R  
Amdt. dated 12/22/2005  
Reply to Office Action of 8/24/2005  
Customer No. 27752

### **REMARKS**

#### **Claim Status**

Claims 1-27 are pending in the present application. No additional claims fee is believed to be due.

#### **Rejection Under 35 USC §102(e) Over Provost et al. (US 2004/0157036)**

Claims 1-5, 8-12, 15-21 and 23-27 are rejected as being anticipated by Provost et al. (US 2004/0157036).

With respect to Claims 1, 11, 17, 21, 24 and 27 and their respective dependent claims, Provost fails to disclose "at least one portion being a discontinuity exhibiting a linear orientation defining a longitudinal axis ..." Accordingly, the 35 USC §102(e) rejection of Claims 1-5, 8-12, 15-21 and 23-27 should be withdrawn.

Further with respect to Claim 11 and its dependent claims, Provost fails to disclose a web having a deformation that "comprises fibers integral with but extending from the first region and fibers neither integral with nor extending from the first region." Accordingly, the 35 USC §102(e) rejection of Claim 11 and its dependent claims should be withdrawn.

#### **Rejection Under 35 USC §102(b) Over Tranfield (US 3,684,284).**

Claims 1-5, 10-12, 16-21 and 23-27 are rejected as being anticipated by Tranfield (US 3,684,284).

With respect to Claims 1, 11, 17, 21, 24 and 27 and their respective dependent claims, Tranfield fails to disclose "at least one portion being a discontinuity exhibiting a linear orientation defining a longitudinal axis ..." Accordingly, the 35 USC §102(b) rejection of Claims 1-5, 10-12, 16-21 and 23-27 should be withdrawn.

Further with respect to Claim 11 and its dependent claims, Tranfield fails to disclose a web having a deformation that "comprises fibers integral with but extending from the first region and fibers neither integral with nor extending from the first region." Accordingly, the 35 USC §102(b) rejection of Claim 11 and its dependent claims should be withdrawn.

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**Rejection Under 35 USC §102(b) Over Sorimachi (US 5,508,080).**

Claims 1-6, 8, 10-13 and 15-27 are rejected as being anticipated by Sorimachi (US 5,508,080).

With respect to Claims 1-6, 8, 10-13 and 15-27 and their respective dependent claims, Sorimachi fails to disclose "at least one portion being a discontinuity exhibiting a linear orientation defining a longitudinal axis ..." Accordingly, the 35 USC §102(b) rejection of Claims 1-5, 10-12, 16-21 and 23-27 should be withdrawn.

Further with respect to Claim 11 and its dependent claims, Sorimachi fails to disclose a web having a deformation that "comprises fibers integral with but extending from the first region and fibers neither integral with nor extending from the first region." Accordingly, the 35 USC §102(b) rejection of Claim 11 and its dependent claims should be withdrawn.

**Rejection Under 35 USC §103(a) Over Sorimachi (US 5,508,080) in view of Kotek, et al. (US 6,120,718)**

Claims 7 and 14 are rejected as being unpatentable over Sorimachi (US 5,508,080) in view of Kotek, et al. (US 6,120,718).

With respect to Claim 7, which depends from Claim 1, Sorimachi fails to disclose "each of the tufts having a linear orientation defining a longitudinal axis ..." Kotek fails to remedy the shortcoming of Sorimachi, and therefore, because all elements are not disclosed in the cited references, the Office Action fails to make out a *prima facie* case of obviousness. Accordingly, the 35 USC §103(a) rejection of Claim 7 should be withdrawn.

With respect to Claim 14 with depends from Claim 11, Sorimachi fails to disclose a laminate having discrete tufts "comprising fibers integral with but extending from the first precursor web and fibers neither integral with nor extending from the first precursor web." (See the embodiment of FIG. 9 of the instant application.) Kotek fails to remedy the shortcoming of Sorimachi, and therefore, because all elements are not disclosed in the cited references, the Office Action fails to make out a *prima facie* case of obviousness. Accordingly, the 35 USC §103(a) rejection of Claim 14 should be withdrawn.

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**Double Patenting Rejections**

Applicants agree to submit all necessary terminal disclaimers upon indication of allowable subject matter.

**Conclusion**

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application and allowance of Claims 1-27 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

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